

**REMARKS**

In the Final Office Action<sup>1</sup> ("OA") mailed March 3, 2006, the Examiner rejected claim 1 under § 112, second paragraph, as being indefinite, and rejected claims 1-6, 8-15, 19-22, 24-33, and 35-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,587,835 to Treyz et al. ("*Treyz*"). Applicant proposes to cancel claim 15, and to amend claim 1 to overcome the Examiner's rejection of claim 1 under § 112, second paragraph. Following this amendment, claims 1-6, 8-14, 19-22, 24-33, and 35-40 are pending in this application. In view of the following remarks, Applicant respectfully traverses the rejections of claims 1-6, 8-14, 19-22, 24-33, and 35-40 under 35 U.S.C. § 102(e).

In order to properly anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in...the claim." See M.P.E.P. § 2131 (8<sup>th</sup> Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8<sup>th</sup> ed., 2001), p. 2100-69.

Applicant respectfully submits that *Treyz* does not disclose or suggest the claimed combination of steps as recited in amended claim 1. For example, the reference does not disclose or suggest: "an information processing apparatus for

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

erasing the electronic guide information from the portable terminal apparatus at an exit of the facility and writing in the portable terminal apparatus at least one of information about use status of the customers attracting facility by the information user and advertisement information about the customers attracting facility," as recited in amended claim 1.

*Treyz* discloses a handheld computing device that provides a user with shopping assistance (*Treyz* abstract). The shopping assistance service provides the user with the opportunity to purchase an electronic ticket (*Treyz* Fig. 12), communicate with communication equipment in retail establishments using a local wireless link (*Treyz* Figs. 16, 17, 20, and 35; col. 22, ll. 16-28 and col. 35, ll. 21-40), and display promotional materials based on the shopping lists (*Treyz* Figs. 86-88 and 96). Moreover, the location of the handheld computing device utilizing the shopping assistance service may be monitored (*Treyz* Fig. 71, 73, and 96). *Treyz* further discloses that the user "may access the service by downloading information from a kiosk at the store or from a local wireless transmitter/receiver," or "in real time over a local wireless link" (*Treyz* col. 49, ll. 21-27). The user may invoke the service, or the service may be invoked automatically (*Treyz* col. 49, ll. 36-44). Proximity messages may also be sent to and displayed on the user's handheld computing device (*Treyz* col. 39, ll. 64-67), and may be automatically deleted or canceled if the user does not respond within a certain time period (*Treyz* col. 40, lines 1-49). However, neither this portion of *Treyz*, nor any other portion constitutes: "an information processing apparatus for erasing the electronic guide information from the portable terminal apparatus at an exit of the facility and writing in the portable terminal apparatus at least one of information about use status of the customers

attracting facility by the information user and advertisement information about the customers attracting facility" (emphasis added), as recited in amended claim 1.

For at least the foregoing reasons, Applicant submits that amended claim 1 is not anticipated by *Treyz*. Because independent claims 5, 19, 28, and 32, although of different scope, have distinguishing features similar to those of amended claim 1, Applicant further submits that claims 5, 19, 28, and 32 are also not anticipated by *Treyz* for at least the reasons given with respect to amended claim 1.

Dependent claims 2-4, 6 and 8-14, 20-22 and 24-27, 29-31, and 33 and 35-40 are allowable not only for the reasons stated above with regard to their respective allowable base claims, but also for their own additional features that distinguish them from *Treyz*. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. § 102(e) and the timely allowance of claims 1-6, 8-14, 19-22, 24-33, and 35-40.

### **Conclusion**

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-6, 8-14, 19-22, 24-33, and 35-40 in condition for allowance. Applicant submits that the proposed amendment of claim 1 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment

would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: \_\_\_\_\_

  
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